



PARDALIS & NOHAVICKA, LLP
ATTORNEYS

February 27, 2025

VIA ECF

Hon. Pamela K. Chen
United States District Judge
Eastern District of New York
225 Cadman Plaza East, Courtroom 4F
Brooklyn NY 11201

Re: *Estate Of Danila Belov, et. al. v. Consolidated Communications Holdings, Inc., et. al.*
Case No. 1:25-cv-00297-PKC-JRC

Request for Pre-Motion Conference or Leave to Make a Rule 12(b)(1) Motion to Dismiss

Dear Respected District Judge Chen:

We represent Defendant Anirudha, Inc., a New York Domestic Business Corporation, and write pursuant to § 3(A) of Your honor's Individual Practices and Rules, seeking a pre-motion conference, or leave to make a motion to dismiss pursuant to Fed. R. Civ. Pro. 12(b)(1).

In this wrongful death action, seemingly governed by the state law of Maine, the Plaintiffs seek to invoke federal diversity jurisdiction despite both the decedent and defendant Anirudha being citizens of New York. The complaint alleges that decedent Danila Belov was a resident of Brooklyn, New York. (ECF Doc. 1 ¶ 1). Likewise, the complaint further alleges that Defendants AA Tech and Anirudha are New York business entities. *Id.* at ¶¶ 13, 14. While the complaint alleges that the decedent was a Russian citizen (*id.* at ¶¶ 1, 28), the defendants have good cause to dispute that allegation given that the Petition for Administration filed with the Kings County Surrogate's Court reports that the decedent is a United States citizen with a home address of 3109 Brighton 7th Street, #1N, Brooklyn, NY 11235. Moreover, the complaint itself

alleges that the decedent formed a United States business and was working in the United States – also suggesting citizenship or lawful permanent residence.

The first page¹ of the Petition for Administration is annexed hereto.

The Complaint erroneously states that this Court has subject matter jurisdiction pursuant to 28 U.S.C. § 1332(a). However, the complaint urges that this is based on the citizenship of the decedent or his parents. *Id.* at ¶¶ 16, 17. If the decedent was a United States citizen, as the Personal Representative of the Plaintiff's decedent swore is true in the Surrogate's Court petition, or a permanent resident of the United States, then the Personal Representative is deemed a resident of New York for diversity purposes. 28 U.S.C. § 1332(a)(2), (c)(2). Accordingly, complete diversity does not exist between the parties here, warranting dismissal for want of subject matter jurisdiction.

We thank the Honorable Court for its attention to and consideration of this Application.

Respectfully submitted,

Amedeo Calandriello

cc:
All appearing counsel

¹ Only the first page is provided to remain in conformity with your Honor's three (3) page limit for Pre-Motion Letters. Should this Court require the full Petition, this firm will happily upload the entirety of the documents.

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DO NOT LEAVE ANY ITEMS BLANK

SURROGATE'S COURT OF THE STATE OF NEW YORKCOUNTY OF KINGS

----- X

ADMINISTRATION PROCEEDING,
 Estate of DANILA BELOV

a/k/a

Deceased

PETITION FOR LETTERS OF:

☒ Administration
☐ Limited Administration
☐ Administration with Limitations
☐ Temporary Administration

File No. N/A

----- X

TO THE SURROGATE'S COURT, COUNTY OF KINGS

It is respectfully alleged:

1. The name, domicile and interest in this proceeding of the petitioner, who is of full age, is as follows:

Name: RALPH WILLIAM WYAND, IIDomicile: 13605 Broadfording Church Road

(Street Address)

(City/Town/Village)

Hagerstown, MD 21740

(County)

(State)

(Zip)

240-291-7276

(Telephone Number)

Mailing address is: Same as domicile

(if different from domicile)

Citizenship (check one):

☒ U.S.A. ☐ Other (specify) _____

Interest of Petitioner (check one):

☐ Distributee of decedent (state relationship) _____☒ Other(specify) Family Friend of Decedent

Is proposed Administrator an attorney?

☐ Yes ☒ No

[If yes, submit statement pursuant to 22 NYCRR 207.16(e); see also 207.52 (Accounting of attorney-fiduciary).]

The proposed Administrator

☐ is☒ is not a convicted felon nor is he/she otherwise

ineligible, pursuant to SCPA 707 to receive letters.

If the proposed Administrator is a convicted felon, submit a copy of the Certificate of Relief from Civil Disabilities.

2. The name, domicile, date and place of death, and national citizenship of the above-named decedent are as follows:

[The Death Certificate must be filed with this proceeding. If the decedent's domicile is different from that shown on the death certificate, check box ☐ and attach an affidavit explaining the reason for this inconsistency.]

Name: DANILA BELOVDomicile: 3109 Brighton 7th Street, #1N, Brooklyn

(Street Number)

(City/Village/Town)

New York, 11235

(State)

(Zip Code)

Township of: _____ County of: KingsDate of Death: 01/17/2023Place of Death: Rangeley, MaineCitizenship: (check one): ☒ U.S.A. ☐ Other (specify) _____